MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2015/2016

ULS2612 – LAW OF SUCCESSION

(All sections / Groups)

31 MAY 2016
Reading Time: 9.00 a.m – 9.15 a.m
(15 minutes)
Answering Time: 9.15 a.m – 12.15 noon

INSTRUCTIONS TO STUDENTS

1. Students will have fifteen minutes during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining THREE HOURS in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt FOUR out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall **CLEAN** and **ORIGINAL** copy of:
   i. Wills Act 1959(Act 346);
   ii. Inheritance (Family Provision) (Act 1971) & Distribution Act 1958 (Act 300); and
   iii. Probate and Administration Act 1959 (Act 97) & Regulations

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

On 5 August 2013, Daisy made a will and appointed Lily, her sister as her executrix. The will was prepared by Clark at his office. Clark was Daisy's childhood friend. The will was typewritten and Daisy put her initials instead of her full signature at the back of the will. The two witnesses were Lina, Clark's secretary and the legal clerk in the office named John. The attestation by John was not in the presence of Lina because Lina was answering a telephone call at her place. The will was then kept in the envelope and sealed by Clark. The original copy of the will was kept by Daisy and a copy of the said will was given to Lily.

A year later, Daisy married Remy. In 2015, Daisy was diagnosed with bone cancer. She was hospitalised. In the ward, Daisy wrote on a piece of paper stating that she wanted Remy to manage all her estate and this was attested by Daisy with her full signature immediately after the last sentence. Two nurses attested as witnesses. Daisy died end of November 2015 due to the cancer.

Remy is now seeking for your advice, since Lily is preparing to file a petition for a grant of probate to administer Daisy's estate.

Advise Remy.

(Total : 25 marks)

QUESTION 2

Briefly explain the following:

(a) The distribution of Muslims' estate with reference to the relevant authorities in Malaysia.

(20 marks)

(b) The general principles of construction of wills.

(5 marks)

(Total: 25 marks)

Continued ...

QUESTION 3

Mr. Tom died in Australia after he made a will and testament in 2012. He appointed his adopted daughter, Rara, a Malaysian, as the sole executrix. Mr. Tom had movable and immovable properties in Malaysia during his lifetime. Probate was granted in Penang in 2013 to Rara.

In December 2015, Rara died and part of the estate of Mr. Tom had yet to be distributed by Rara. In Rara's will, she appointed her husband, Mr. Keanu as her executor. Since Mr. Keanu is staying in Australia, he decided to appoint Mr. Reeves, his attorney by way of Power of Attorney, to execute his wife's will.

Mr. Keanu is seeking your advice on the appointment of the personal representatives in order to ensure that the will can be executed as intended by his late wife.

Advise accordingly.

(Total: 25 marks)

QUESTION 4

Section 14 of Wills Act 1959 (Act 346) :

> "No will or any part thereof shall be revoked otherwise than as aforesaid, or by another will executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same."

Discuss the above section with reference to the relevant authorities.

(Total: 25 marks)

Continued ...

QUESTION 5

Luke as a sole beneficiary, inherited a large portion of the estate of his father. In 1976, he married Leia and was blessed with two sons, Obi-Wan and Kenobi, and two daughters, Rey and Ashoka. Luke executed a valid will in 2015 in which Chewbacca and Jar Jar Bink were named as executors. The will provided the following dispositions:-

(a) "RM60,000.00 to each member of my family";

(b) "RM20,000.00 to Amidala to repay the loan which he made to Obi-Wan in 2010";

(c) "RM25,000.00 to my cousin Tano";

(d) "residue of my estate to be divided in accordance with the rules of intestacy"

Luke died on 31 December 2015 leaving RM2.5 million in cash, a fully furnished bungalow, and four hectares of agricultural land. Tano died intestate on September in the same year.

Advise Chewbacca and Jar Jar Bink on the distribution of Luke's estate.

(Total: 25 marks)

End of page.